D.B. CIVIL SPECIAL APPEAL NO.45/2006

Deepesh Kumar Sidhawat & Ors. Vs. Board of Revenue & Ors.

Date 12.04.2006

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P. VYAS

Mr. K.C. Samdaria for the appellant.

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Having heard learned counsel for the appellant, we are of the opinion that there is no merit in the appeal.

The licence to vend liquor in favour of appellant was cancelled on his failure to pay the amount of instalments due against him. The only contention raised by the learned counsel for the appellant before the learned Single Judge and before us is that the appellant was required to deposit the instalment due by 10th of April, 2000 but the licence was cancelled before the arrival of 10th of April, 2000. However, it is common ground that instalments due earlier than the date had not been deposited in time and the application for extension of time had already been rejected by the Commissioner long before the cancellation of licence. Neither the amount of the previous instalments had been paid that had already become due nor the instalments demanded

to be paid by 10th of April, 2000 had ever been paid.

In these circumstances, apparently it is not a case in which extra-ordinary jurisdiction ought to be invoked in favour of the petitioner-appellant and the learned Single Judge has rightly not interfered with the writ petition.

The appeal accordingly, fails and is hereby dismissed.

[R.P. VYAS], J. [RAJESH BALIA], J.

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